

(Pub. L. 102-580, title III, §335, Oct. 31, 1992, 106 Stat. 4853.)

#### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 3 of Pub. L. 102-580, set out as a note under section 2201 of this title.

### § 59hh. Declaration of nonnavigability for portion of Pelican Island, Texas

#### (a) In general

The Secretary of the Army is authorized to convey to the City of Galveston, Texas, fee simple absolute title to a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey, A-647 and A-648, City of Galveston, Galveston County, Texas, being part of the old Fort San Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of subsection (d) of this section. Such conveyance shall only be made by the Secretary of the Army upon the agreement of the Secretary and the City as to all compensation due herein.

#### (b) Compensation for conveyance

Upon receipt of compensation from the City of Galveston, the Secretary shall convey the parcel as described in subsection (a) of this section. Such compensation shall include—

(1) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A-190, Pelican Island, City of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States. The fair market value of such parcel will be determined in accordance with the provision of subsection (d) of this section; and

(2) payment to the United States of an amount equal to the difference of the fair market value of the parcel to be conveyed pursuant to subsection (a) of this section and the fair market value of the parcel to be conveyed pursuant to paragraph (1) of this subsection.

#### (c) Disposition of spoil

Costs of maintaining the Galveston Harbor and Channel will continue to be governed by the Local Cooperation Agreement (LCA) between the United States of America and the City of Galveston dated October 18, 1973, as amended. Upon conveyance of the parcel described in subsection (a) of this section, the Department of the Army shall be compensated directly for the present value of the total costs to the Department for disposal of dredge material and site preparation pursuant to the LCA, in excess of the present value of the total costs that would have been incurred if this conveyance had not been made.

#### (d) Determination of fair market value

The fair market value of the land to be conveyed pursuant to subsections (a) and (b) of this section shall be determined by independent appraisers using the market value method.

#### (e) Navigational servitude

##### (1) Declaration of nonnavigability; public interest

Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the parcel described in subsection (a) of this section are not in the public interest then, subject to paragraphs (2) and (3), such parcel is declared to be non-navigable waters of the United States.

##### (2) Limits on applicability; regulatory requirements

The declaration under paragraph (1) shall apply only to those parts of the parcel described in subsection (a) of this section which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations including, but not limited to, sections 401 and 403 of this title, section 1344 of this title, and the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.].

##### (3) Expiration date

If 20 years after October 28, 1993, any area or part thereof described in subsection (a) of this section is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in paragraph (2), or if work in connection with any activity permitted in paragraph (2) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

#### (f) Survey and study

The 605-acre parcel and the 564-acre parcel shall be surveyed and further legally described prior to conveyance. Not later than 60 days following October 28, 1993, if he deems it necessary, the Secretary of the Army shall complete a review of the applicability of section 1344 of this title to the said parcels.

(Pub. L. 103-126, title I, §108, Oct. 28, 1993, 107 Stat. 1320.)

#### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (e)(2), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

### CHAPTER 2—INTERNATIONAL RULES FOR NAVIGATION AT SEA

#### §§ 61 to 63. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section 61, acts Aug. 19, 1890, ch. 802, §1, 26 Stat. 320; Feb. 19, 1895, ch. 102, §1, 28 Stat. 672; June 7, 1897, ch. 4,

§ 1, 30 Stat. 96, related to adoption of rules for navigation on high seas. See section 1602 of this title.

Section 62, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 320, 321, defined “sailing vessel”, “steam vessel”, and “under way”. See section 1601 of this title.

Section 63, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 321, defined “visible”.

#### EFFECTIVE DATE OF REPEAL

Section 5 of act Oct. 11, 1951, provided that the repeal of these sections is effective upon the taking effect of regulations proclaimed under section 1 of act Oct. 11, 1951. Such regulations were proclaimed by Proc. No. 3030 of Aug. 1, 1953, 18 F.R. 4983, and were to be effective Jan. 1, 1954.

### §§ 71 to 84. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section 71, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 321, provided that rules concerning lights be complied with from sunset to sunrise.

Section 72, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 321, related to lights of steam vessel under way.

Section 73, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 321, related to lights of vessel towing another vessel or vessels.

Section 74, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 322, related to lights and day signals of vessel not under control and of telegraph cable vessel.

Section 75, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 322, related to lights of sailing vessel under way and of vessel in tow.

Section 76, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 322, related to lights of small vessel under way in bad weather.

Section 77, acts Aug. 19, 1890, ch. 802, § 1, 26 Stat. 322; May 28, 1894, ch. 83, 28 Stat. 82, related to substitute lights for small vessel and rowing boats.

Section 78, acts Aug. 19, 1890, ch. 802, § 1, 26 Stat. 323; Feb. 19, 1900, ch. 22, § 1, 31 Stat. 30, related to lights of pilot vessel on and off duty, and steam pilot vessel.

Section 79, acts Aug. 19, 1890, ch. 802, § 1, 26 Stat. 323; May 28, 1894, ch. 83, 28 Stat. 82; Jan. 19, 1907, ch. 300, § 1, 34 Stat. 850, related to lights and day signals of fishing vessels and boats.

Section 80, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 324, related to lights on overtaken vessel.

Section 81, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 324, related to lights on vessel at anchor or aground.

Section 82, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 325, authorized additional lights and signals when necessary.

Section 83, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 325, related to special lights for ships of war and recognition signals.

Section 84, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 325, related to day signal of steam vessel under sail.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1954, see note set out under sections 61 to 63 of this title.

### §§ 91, 92. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section 91, acts Aug. 19, 1890, ch. 802, § 1, 26 Stat. 325; June 10, 1896, ch. 401, § 1, 29 Stat. 381, related to sound signals for fog.

Section 92, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 325, related to speed in fog.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1954, see note set out under sections 61 to 63 of this title.

### §§ 101 to 113. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section 101, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 326, provided suggestion for ascertainment of risk of collision.

Section 102, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 326, related to sailing vessels approaching one another.

Section 103, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 326, related to steam vessels meeting end on.

Section 104, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, related to steam vessels crossing.

Section 105, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, related to steam and sailing vessels meeting.

Section 106, acts Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327; May 28, 1894, ch. 83, 28 Stat. 83, provided that vessel having the right-of-way keep course.

Section 107, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, related to crossing ahead of vessel having right-of-way.

Section 108, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, related to duty of steam vessel to slacken speed.

Section 109, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, provided that overtaking vessel keep out of the way of the overtaken vessel, defined “overtaken vessel”.

Section 110, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, related to steam vessel in narrow channel.

Section 111, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, related to right of way of fishing vessels or boats, and obstruction of fairways.

Section 112, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 327, related to special circumstances requiring departure from rules.

Section 113, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 328, related to sound signals of steam vessel indicating course.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1954, see note set out under sections 61 to 63 of this title.

### § 121. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 328, related to additional precautions.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1954, see note set out under sections 61 to 63 of this title.

### § 131. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section, act Aug. 19, 1890, ch. 802, § 1, 26 Stat. 328, related to local rules for harbors and inland waters.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1954, see note set out under sections 61 to 63 of this title.

### § 141. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section, acts Aug. 19, 1890, ch. 802, § 1, 26 Stat. 328; May 28, 1894, ch. 83, 28 Stat. 83, related to distress signals.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1954, see note set out under sections 61 to 63 of this title.

### § 142. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407

Section, act Aug. 19, 1890, ch. 802, § 1, as added Aug. 21, 1935, ch. 595, § 1, 49 Stat. 668, related to orders to helmsmen.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1954, see note set out under sections 61 to 63 of this title.

### §§ 143 to 143b. Repealed. Pub. L. 88–131, § 3, Sept. 24, 1963, 77 Stat. 194

Section 143, act Oct. 11, 1951, ch. 495, § 1, 65 Stat. 406, related to adoption of rules for prevention of collisions